UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

BETTY J. PELFREY,	
Plaintiff,	
v.) No. 3:10-CV-483) (Phillips)
SMOKY MOUNTAIN RESORTS, INC.,	
SMOKY MOUNTAIN RESORT SERVICES, LLC	
SMOKY MOUNTAIN RESORTS,	
a/k/a GOVERNOR'S INN,	
)
Defendants.	

MEMORANDUM AND ORDER

Plaintiff has brought this action for injuries suffered when she slipped and fell while a guest of Governor's Inn in Sevierville, Tennessee on November 16, 2009. Defendant Smoky Mountain Resorts, a/k/a Governor's Inn has filed a revised motion for summary judgment stating that Governor's Inn is not owned by Smoky Mountain Reports, but is owned by Hotel Partners, a Tennessee General Partnership [Docs. 14, 15]. In support of the motion, defendant has submitted the affidavit of Kay Collier-Pittman, President of Smoky Mountain Resorts, who states that Governor's Inn is not owned by Smoky Mountain Resorts, but is owned by Hotel Partners. Therefore, Smoky Mountain Resorts asserts it cannot be liable to plaintiff for the injuries and damages alleged in her complaint.

operated by Smoky Mountain Resorts. Further, Smoky Mountain Resorts and Governor's Inn share the same Post Office Box in Pigeon Forge, Tennessee. Plaintiff asserts that defendant Smoky Mountain Resorts has held itself out as the owner, operator, agent or other party responsible for the Governor's Inn. Plaintiff further states that the parties have not conducted discovery for the purposes of identifying the entity that owns, operates

and/or is responsible for Governor's Inn, and that summary judgment is therefore

premature. The court agrees.

At this stage of the proceedings, the record is not sufficiently developed for

Plaintiff responds that the Governor's Inn website states that the hotel is

the court to resolve the issue of liability of Smoky Mountain Resorts for plaintiff's injuries.

The court finds there exist material issues of fact as to whether Smoky Mountain Resorts

owns, operates or is responsible for Governor's Inn. Discovery will assist the parties, and

the court, in resolving the issues of ownership and operation of Governor's Inn.

Accordingly, defendant Smoky Mountain Resorts' motion for summary judgment [Doc. 14]

is **DENIED** at this time, reserving to defendant the right to renew the motion after discovery,

should the facts and circumstances of this case merit the same.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips

United States District Judge

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